

MINUTES of MEETING of ARGYLL AND BUTE LOCAL REVIEW BODY held in the COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD on THURSDAY, 8 MAY 2014

Present: Councillor Alex McNaughton (Chair)
Councillor Rory Colville Councillor Donald MacMillan

Attending: Charles Reppke, Head of Governance and Law (Advisor)
Rebecca Hepburn, Senior Committee Assistant (Minute Taker)

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. DECLARATIONS OF INTEREST

There were no declarations of interest intimated.

3. CONSIDER NOTICE OF REVIEW REQUEST: PLOT 2A KILMALUAIG, ISLE OF TIREE, ARGYLL, PA77 6XB (REF:14/0003/LRB)

The Chair welcomed everyone to the meeting of the Argyll and Bute Local Review Body to consider the planning application for plot 2A Kilmaluag, Isle of Tiree and advised that no person present would be entitled to speak other than the Members of the Local Review Body (LRB) and Mr Reppke who would provide procedural advice if required.

The Chair advised that his first task would be to establish if the Members of the LRB felt that they had sufficient information before them to come to a decision on the Review.

Councillor Colville advised that he was unsure of why there is a Special Conservation Area in Tiree and would like justification from planning as to why it exists. Councillor Colville stated that he could not make sense of the site plan and it advised that it failed to provide him with any information about the site. He also wished detail on the solar gain aspects of the proposal.

Councillor MacMillan agreed with the points stated by Councillor Colville and felt that a site inspection would be beneficial in order to gain a better understanding of the site and surrounding area.

Councillor Colville stated that although the documentation states that there are houses built with similar detail just out with the conservation area, we are unaware of when these houses were built.

Charles Reppke advised that as the plan provided by planning is low in detail, it might be beneficial to the members if they requested further plans and photos in order to get a better idea of the site.

Councillor McNaughton agreed that additional photos and plans of the site

would be valuable and asked the members if they felt the additional information requested would be enough to make a decision or if they felt a site inspection was also required.

The members agreed that a site inspection was required along side the additional information that had been requested.

Decision

The LRB agreed:-

1. To hold an accompanied site visit to view the application site
2. to invite the Applicant, the Applicant's Agent, Officers from Planning and Consultees to attend the site inspection
3. to request that Planning provides
 - a) justification as to why this area is a Special Conservation Area
 - b) additional photographs and plans of the site
 - c) a commentary as to when the houses that exist with similar features just out with the conservation area were built
4. to request that the Agent provides a commentary on the solar gain of the proposed property and
5. to adjourn the meeting and reconvene at the conclusion of the site inspection.

The meeting of the Argyll and Bute Local Review Body reconvened on Thursday 21 August 2014 at 13:45pm in An Talla Hall, Isle of Tiree, Argyll

Present: Councillor Alex McNaughton
Councillor Rory Colville
Councillor Donald MacMillan

Attending: Patricia O'Neill, Central Governance Manager (Advisor)
Rebecca Hepburn, Senior Committee Assistant (Minute
Taker)

The Chair welcomed all those present to the meeting and asked introduced the members of the ABLRB. The Chair asked Patricia O'Neill to explain the procedure of the meeting.

The Chair referred to the additional information that was requested at the previous meeting and was now before the LRB for consideration. The Chair asked the members of the Committee to confirm if they had enough information to make a decision.

Councillor Colville referred to the site inspection (note of site inspection attached as Appendix A to this Minute) which the LRB had attended prior to the start of this meeting and stated that now he had seen the site, he felt there was enough information to make a decision.

Councillor MacMillan stated that he also felt that he had enough information to make a decision.

The Chair reported that he felt that the site inspection was very beneficial and he agreed that he also had enough information to make a decision.

Councillor Colville stated that the planners have based their decision on the Local Development Plan however the Local Development Plan also states that houses should benefit from solar gain where possible, therefore in his view there was a conflict. He advised that in his opinion the application will have a neutral effect to the conservation area. The principle of residential development has been approved. Retaining more land in agricultural production given the size of the croft holding, as well as the improved resilience from adverse weather provided a justification for a minor departure from policy LP ENV 14 on the basis that the dispersed nature of the settlement pattern means that the impact of a single non conforming building will have no more than a neutral impact on the character of the conservation area the development can be approved on the basis of the conditions applied to planning consent 12/00487/pp with the amendment to condition 4 to make reference to the submitted plans and drawing for application 14/0003/LRB. He advised that he was minded to propose a motion in this regard, and invited colleagues to comment on this.

Councillor MacMillan advised that in his opinion this was a difficult decision. Overturning the planners decisions would go against the Local Development Plan and the crofting gain would be minimal. He advised that in his opinion there are other ways in which the house could benefit from solar gain and therefore his intention was to support the planners recommendation.

The Chair advised that he had a great deal of sympathy towards this application, however stated that he also had a lot of justification in supporting the planners and the Local Development Plan. He reported that in his opinion the justification to deviate from the Local Development Plan is not strong enough. He stated that he did not see any reason why he should not support the planners.

In the event there was no support for the motion proposed by Councillor Colville the Chair therefore moved that the notice of review be refused for the reasons stated in the original decision notice.

Decision

The Argyll and Bute Local Review Body agreed by a majority to uphold the original decision to refuse this application for the following reasons:-

The application is within the only Conservation Area on Tiree and as such is subject to the provisions of Local Plan Policy LP ENV 14. The orientation of houses within the Conservation Area is a key feature in the character of the Conservation Area, which is readily visible and perceived as part of the historic nature of the site. The proposed rotation of the

house by 90 degree such that a blank gable faces the adjacent road would place the proposed house at an orientation that conflicted with the predominant orientation of houses within the Conservation Area. Whilst there are a small number of properties beyond the Conservation Area whose ridge lines run perpendicular these are out with the designated Conservation Area and do not carry sufficient weight to justify the proposal in this instance. The proposal does not enhance or maintain the character of the Conservation Area within which it is located, and as such, it is contrary to Policy LP ENV 14. The proposal is also contrary to Policy LP ENV 19 because the proposal does not respect the character of the area within which it is located.

It is considered essential to the success of the project that the approved house rotation granted under planning permission 12/00487/PP is retained. The reasons presented in support of the current application are not considered to be of sufficient weight to overcome the fact that the amended rotation proposed would conflict with the pattern of surrounding development to the detriment of the character of the Conservation Area within which it is located.

Councillor Colville requested his dissent to the forgoing decision be recorded.

APPENDIX A

ARGYLL AND BUTE LOCAL REVIEW BODY

NOTE OF MEETING OF SITE INSPECTION RE CASE 14/0003/LRB PLOT 2A KILMALUAIG, ISLE OF TIREE on THURSDAY 21 AUGUST 2014

In attendance: Councillor Alex McNaughton, Argyll and Bute LRB
(Chair)

Councillor Rory Colville, Argyll and Bute LRB
Councillor Donald MacMillan, Argyll and Bute LRB
Patricia O'Neill, Central Governance Manager

(Advisor)

Rebecca Hepburn, Committee Services (Minute

Taker)

David Love, Planning Authority
Iain MacKinnon, Applicant
Allan MacAskill, Agent

The Argyll and Bute LRB (ABLRB) agreed on 8 May 2014 to conduct a site inspection in order to view the location of the site to observe how the proposed orientation of the house would conflict with the predominant orientation of houses within the conservation area and to view how the rotation of the house would affect the conservation area and to invite a representative from Planning to attend along with the Applicant and the Applicant's Agent to answer any questions the LRB may have in relation to the site.

The ABLRB convened on 21 August 2014 at Plot 2A Kilmaluag, Isle of Tiree at 12:45pm and from there commenced the site inspection.

The Chair welcomed all parties to the site inspection and introductions were made. Patricia O'Neill advised the participants on the procedure that would be followed. She advised that there would be no debate at the site inspection and that attendees would only have the opportunity to speak in response to members questions.

The Chair asked the planner to explain the site in relation to the application.

The ABLRB noted:-

- The orientation of the proposed house in the original application which had been previously approved in relation to the surrounding area.
- The orientation of the other houses within view from the site and the orientation in which these lie.
- A new build within the Conservation Area which does not sit parallel to the road but had been approved as it complied with the Tیره Design Guide
- The increase in croft that would be gained from the proposed orientation.
- The house north of the site which appears to run perpendicular to the road it is part of a structure which does run parallel to the road.
- There is a prevailing wind to the west.
- The house would require to face South in order to benefit from Solar Gain

The ABLRB sought and received clarification from the Agent as to how changing the orientation of the house would increase the size of the croft.

The ABLRB sought and received clarification from Planning and the Applicant as to the number of houses that exist within the Conservation Area.

The ABLRB asked the Planner to confirm that no public objections had been received.

The ABLRB sought and received clarification from the planner as to whether there were any conditions agreed regarding the materials that should be used on the roof.

The members of the ABLRB walked around the site to get a better feel for the area.

The Chair asked the Applicant's Agent if there was anything he would like to highlight to the members of the ABLRB. The Agent took this opportunity to note to the ABLRB that the proposed orientation of the site goes against the solar gain, does not best protect the property from the prevailing winds and reduces the croft size.

The Chair then asked the Planner if there is anything he would like to highlight to the members of the ABLRB. The Planner highlighted to the members that this conservation area is stated in the Local Development Plan, regardless of the site.

The ABLRB concluded their site visit by intimating that parties and the public were free to attend the meeting of the LRB at the hall.